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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Ubaldo Saldana-Garcia,

Petitioner,

V.

Brian Williams, et al.,

## Respondents

Case No. 2:19-cv-00441-APG-BNW

## **Unopposed Motion to Extend the Deadline for Filing an Opposition to Motion to Dismiss**

## ORDER

## POINTS AND AUTHORITIES

Petitioner Ubaldo Saldana-Garcia respectfully requests an extension of 55 days until March 17, 2020 to file his Opposition to the warden's Motion to Dismiss.

He is currently seeking federal habeas relief from this Court.<sup>1</sup> Atty. S. Alex Spelman drafted and filed Saldana-Garcia's amended petition on October 24, 2019.<sup>2</sup> A few weeks earlier, undersigned counsel filed her notice of appearance, and has since taken over the case.<sup>3</sup>

Warden Brian Williams filed a motion to dismiss some of Saldana-Garcia's claims on January 6, 2020, after receiving a single extension.<sup>4</sup> At the same time, and without Saldana-Garcia's objection, Williams sought to seal the entire case.<sup>5</sup> That motion remains pending.

Based on the local rules, Saldana-Garcia’s Opposition is due 14 days later on January 21, 2020.<sup>6</sup> Williams has attacked the majority of Saldana-Garcia’s claims on exhaustion grounds.<sup>7</sup> Counsel has not been able to complete Saldana-Garcia’s Opposition in the last two weeks.

This is Saldana-Garcia's first request for an extension.

The requested extension is not for the purpose of delay but in Saldana-Garcia's best interest and the interests of justice. It takes into consideration counsel's obligations on other cases and upcoming travel. Counsel will be out of the

<sup>1</sup> ECF No. 4.

2 ECF No. 13.

<sup>3</sup> ECF No. 12.

<sup>4</sup> ECF Nos. 15, 16.

5 ECF No. 17.

<sup>6</sup> ECF No. 9 at 2 (adopting Local Rule 7-2(b) for motions).

<sup>7</sup> ECF No. 16, challenging Claims 1, 2, 4, 6, 7, 8, and 9.

1 office January 31, 2020, February 7-14, and 21, 2020, and March 2-3, 2020 on  
2 personal and work-related matters.

3 On January 21, 2020, counsel exchanged e-mails with Williams's attorney,  
4 Deputy Attorney General Charles L. Finlayson, who does not object to this request.

5 Accordingly, for all of the above reasons, Saldana-Garcia respectfully asks  
6 this Court to grant his request and enter an order extending his deadline by 55 days  
7 until March 17, 2020.

8 Dated January 21, 2020.

9 Respectfully submitted,

10 Rene L. Valladares  
11 Federal Public Defender

12 /s/Amelia L. Bizzaro  
13 Amelia L. Bizzaro  
14 Assistant Federal Public Defender

15 IT IS SO ORDERED:

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18   
19 United States District Judge

20 Dated: 01/21/2020